

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Catrina Minus,

Plaintiff,

vs.

Walmart, Inc. DBA Walmart 3367,

Defendant.

C/A: 2:22-cv-03171-RMG

**DEFENDANT WALMART, INC. DBA
WALMART 3367'S
NOTICE OF REMOVAL**

1. Defendant Walmart, Inc. DBA Walmart 3367 (hereinafter, "Walmart"), hereby files this Notice of Removal of the above-titled action from the Circuit Court of Charleston County, South Carolina, to the United States District Court for the District of South Carolina, Charleston Division, pursuant to 28 U.S.C. § 1441.

2. The above-titled action was instituted by the Plaintiff against the Defendant by the service of a Summons and Complaint filed on August 03, 2022. The action is currently pending in the Circuit Court for Charleston County, South Carolina, Case No. 2022-CP-10-03498. Defendant Walmart was served by delivery of a copy of Plaintiff's Summons and Complaint to their registered agent, CT Corporation on August 18, 2022, rendering this removal timely. Pursuant to 28 U.S.C. § 1446(a), a copy of all documents filed in this action constituting all process, pleadings, and orders, are attached hereto as Exhibit A, State Court Documents.

3. There is jurisdiction over this removed action pursuant to 28 U.S.C. § 1441 because this action could have originally been filed in this court pursuant to 28 U.S.C. § 1332. Specifically, this suit is removable because, as set forth more fully below, there is complete diversity of citizenship between the Plaintiff and Defendant. Based upon Plaintiff's correspondence, alleged

physical injuries, claimed treatment, as well as other claimed injuries and damages, including prayer for punitive damages, the amount in controversy exceeds \$75,000.00, exclusive of interests and costs.

4. At the time of commencement of the action, Plaintiff was and still is a citizen of South Carolina and Defendant Walmart was at the time of the commencement of the action, and still is, a business entity organized and existing under the laws of a state other than South Carolina and having their principal place of business in a state other than South Carolina. Specifically, pursuant to 28 U.S.C. § 1332(c)(1), Walmart Stores East, LP. is a citizen of both Delaware and Arkansas, as it is a Delaware business entity with its respective principal places of business in Arkansas. *See also, Cent. W. Virginia Energy Co. v. Mountain State Carbon, LLC*, 363 F.3d 101, 102 (4th Cir. 2011). Further, Defendant Walmart's general partner, WSE Management, LLC, was incorporated in Delaware, as was its limited partner, WSE Investment, LLC. The sole member of WSE Management, LLC and WSE Management, LLC is Wal-Mart Stores East, LLC, which is incorporated in Arkansas. In accordance with *Cent. W. Virginia Energy Co.*, the principal place of business of each of the aforementioned entities is Bentonville, Arkansas.

5. Plaintiff's allegations arise out of an incident the Plaintiff claims occurred in Walmart located in Charleston, South Carolina. Specifically, on May 31, 2021, Plaintiff alleges that she suffered injury when an associate working for Walmart dropped a crockpot injuring her hand. *See* Complaint, ¶¶ 10-17. Plaintiff alleges damages for her injuries, in addition to future medical bills and expenses, pain and suffering and punitive damages. *Id.* at ¶ 19. Based on communications between counsel¹, specifically those on September 16, 2022, upon information

¹ Counsel discussed the amount in controversy via telephone and an email confirmation was exchanged stating that Plaintiff will not stipulate to damages not to exceed \$75,000.

and belief, the value of the matter in dispute exceeds the sum of Seventy-Five Thousand and NO/100 (\$75,000.00) Dollars, exclusive of interest and costs and said action is one over which the District Court of the United States has original jurisdiction under 28 U.S.C. § 1332.

6. Defendant hereby gives counsel for Plaintiff written notice of the removal of this action and will provide a copy of this Notice of Removal to the Clerk of Court for Charleston County, as required by 28 U.S.C. § 1446(d).

7. Defendant Walmart files this Notice of Removal within thirty (30) days of service of process of the Complaint in the state court action, in accordance with the applicable rules, which is the first pleading received by Defendant setting for the claim for relief in which this action is based.

WHEREFORE, Defendants respectfully submit this Notice of Removal of the State Court action to this Court this 19th day of September 2022.

September 19, 2022
Columbia, South Carolina

s/Mary D. LaFave
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